Remarks

Claims 1 – 22 are presented for Examiner Kidwell's consideration.

Pursuant to 37 C.F.R. § 1.116, reconsideration of the present application in view of the following remarks is respectfully requested.

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Response to Rejections

By way of the Office Action mailed October 19, 2004, claims 1 – 22 stand rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent Application 2003/0077307 to Klofta *et al.* (*Klofta*) in view of U.S. Patent Number 5,141,803 to Pregozen (*Pregozen*). This rejection is respectfully **traversed** to the extent that it may apply to Applicants' claims.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. M.P.E.P. § 2142, 2143. A *prima facie* case of obviousness has not been established and this rejection should be withdrawn.

The Examiner states that the "delivery vehicles of the application [referring to Klofta] may be used in any combination" and references page 8, paragraph 86 of *Klofta* for support. The Examiner appears to be suggesting that *Klofta* therefore teaches a combination of an absorbent article AND a wipe. Applicants respectfully disagree with this suggestion. *Klofta* teaches a composition useful for protecting the skin from body fluids. *Klofta* also discloses various delivery vehicles for applying the composition of *Klofta* to the skin, including disposable articles and wipes. However, *Klofta* provides no teaching or suggestion of a system comprising a skin care composition on an absorbent article **and** a wet wipe with a skin care solution as required by Applicants' claims. *Klofta* specifically states "Any **combination** of the **above** is also suitable for use herein as a delivery vehicle." The word "above" references the list: "web materials or substrates such as tissues, wipes, sponges, cotton balls, pads, non-woven webs, patches, bandages, paper fabrics, and the like." (Page 8: paragraph 86, emphasis added). This list does NOT include absorbent articles and *Klofta* therefore does not teach a system as required by Applicants claims. Similarly, *Pregozen* provides no teaching or

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suggestion of a system comprising a skin care composition on an absorbent article AND a wet wipe with a skin care solution as required by Applicants' claims. In view of M.P.E.P. 2141.02, the claimed invention as a whole must be considered. Therefore, no *prima facie* case of obviousness has been established because the prior art references do not teach or suggest all of Applicants' claim limitations when properly viewed as a whole. Applicants request that this rejection be withdrawn as to claim 1.

Claims 2 – 22 depend from claim 1 and are nonobvious over *Klofta* in view of *Pregozen* for at least the reason stated above. Therefore, Applicants request that the rejection to these claims be withdrawn.

Furthermore, Applicants note that claim 16 stands rejected, at least in part, in view of Koenig, which was disqualified as a reference under M.P.E.P. 706.02(l)(1) in Applicants' response dated March 25, 2004. Applicants respectfully request that that this rejection be withdrawn.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

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Respectfully submitted,
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